

June 14, 1999

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, SW  
Washington, DC 20554

**RECEIVED****JUN 14 1999****FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**Re: Petition of the California Public Utilities Commission and the People of the State of California for Waiver to Implement a Technology-Specific or Service-Specific Area Code, NSD File No. L-99-36; Petition for Declaratory Ruling and Request for Expedited Action On the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, NSD File No. L-97-42; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98; Numbering Resource Optimization, CC Docket No. 99-200.**

Dear Ms. Salas:

Enclosed herewith for filing are the original and four (4) copies of MCI WorldCom's Comments regarding the above-captioned matters.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI WorldCom Comments furnished for such purpose and remit same to the bearer.

Sincerely yours,



Henry G. Hultquist

Enclosure  
HGH

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**RECEIVED**

**JUN 14 1999**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of:	)	
	)	
Petition of the California Public	)	
Utilities Commission and the People	)	
of the State of California for Waiver to	)	NSD File No. L-99-36
Implement a Technology-Specific or	)	
Service-Specific Area Code	)	
	)	
Petition for Declaratory Ruling and Request	)	
for Expedited Action On the July 15, 1997	)	
Order of the Pennsylvania Public Utility	)	NSD File No. L-97-42
Commission Regarding Area Codes	)	
412, 610, 215 and 717	)	
	)	
Implementation of the Local Competition	)	
Provisions of the Telecommunications	)	CC Docket No. 96-98
Act of 1996	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200

**COMMENTS OF MCI WORLDCOM, INC.**

MCI WorldCom, Inc. (MCI WorldCom) hereby submits Comments on the above-captioned Petition of the California Public Utilities Commission and the People of the State of California for a Waiver to Implement a Technology-Specific or Service-Specific Area Code (CPUC Waiver Petition).

Subsequent to placing this petition on public notice, the Commission included this petition and the underlying policy questions in its Notice of Proposed Rulemaking (NPRM) on

Number Resource Optimization (NRO).<sup>1</sup> MCI WorldCom will fully address all issues raised by this petition in its Comments on that NPRM, which will be filed by July 30, 1999. However, it must be noted that, as a petition for waiver, this request cannot be granted. The Commission can waive its rules when “good cause” is shown. In this case, that would mean that circumstances specific to California justify deviation from the generally-applicable rule that prohibits technology-specific or service-specific overlays.<sup>2</sup>

The CPUC has failed to describe any California-specific circumstances that justify deviation from the general rule. Instead, it has observed: (1) that thousand-block pooling would be a reasonable solution to the existing, inefficient assignment practice; and, (2) that wireless providers will not be able to participate in pooling until after they implement local number portability (LNP). The CPUC then concludes that after pooling is implemented, non-LNP capable carriers will continue to draw numbers in blocks of 10,000, while LNP-capable carriers will draw numbers in blocks of 1,000. The CPUC believes that, in such circumstances, it “*may wish to consider* the reasonableness of creating a separate NPA for non-LNP capable carriers” (emphasis in original).<sup>3</sup> In essence, the CPUC is asking for authority to itself determine at some unspecified future date whether or not the rule in question should be waived. The Commission cannot delegate the authority to waive its own rules to a third party.

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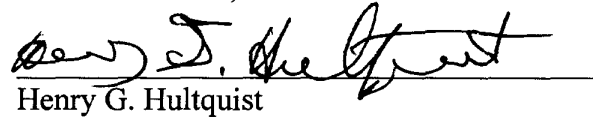
<sup>1</sup> *In the Matter of Numbering Resource Optimization*, Notice of Proposed Rulemaking, CC Docket No. 99-200 (released June 2, 1999) (NRO NPRM).

<sup>2</sup> *See, e.g., Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

<sup>3</sup> CPUC Waiver Petition at 7.

This Commission is considering rules that would create a national framework for pooling. The situation described in this waiver petition fails to raise any California-specific circumstances. It effectively seeks delegation of the authority to determine whether or not a waiver is appropriate. The Commission cannot deal with this request by waiver, and must instead address these issues in a more general rulemaking, as it plainly intends to do in the NRO NRPM.

Respectfully submitted,  
MCI WorldCom, Inc.

A handwritten signature in dark ink, appearing to read "Henry G. Hultquist", is written over a horizontal line.

Henry G. Hultquist

Mary DeLuca

1801 Pennsylvania Avenue, N.W.

Washington, DC 20006

(202)887-2502

(202)887-3045

June 14, 1999

## CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing Comments In the Matter of Petition of the California Public Utilities Commission and the People of the State of California for Waiver to Implement a Technology-Specific or Service-Specific Area Code of MCI WorldCom, Inc. were sent via first class mail, postage paid, to the following on this 14th day of June, 1999.

Chairman William E. Kennard\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Linda Kinney\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Commissioner Harold Furchgott-Roth\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Sarah Whitesell\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Commissioner Michael Powell\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Kyle Dixon\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Commissioner Gloria Tristani\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Kevin Martin\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Commissioner Susan P. Ness  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Kathy Brown\*  
Chief of Staff  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Tom Power\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Christopher Wright\*  
General Counsel  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 8th Floor  
Washington, DC 20554

Larry Strickling\*  
Chief, Common Carrier Bureau  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Yog Varma\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Jordan Goldstein\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Anna Gomez\*  
Chief, Network Services  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Al McCloud \*  
Network Services Division  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Kris Monteith\*  
Competitive Pricing  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Blaise Scinto\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Jared Carlson\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Jeannie Grimes\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Robert Atkinson\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W., 5th Floor  
Washington, DC 20554

Diane Griffin Harmon\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Tejal Mehta\*  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

International Transcription Services\*  
1231 20th Street, N.W.  
Washington, DC 20036

Barry Pineles  
Regulatory Counsel  
GST Telecom Inc.  
4001 Main Street  
Vancouver, WA 98663

Eleanor Willis  
Manager Regulatory Programs  
Winstar, Inc.  
1146 19th Street, N.W., 2nd Floor  
Washington, DC 20036

Jackie Follis  
Director of Government & Industry  
Affairs  
Electric Lightwave, Inc.  
4400 N.E. 77th Avenue  
Vancouver, WA 98662

Emily Williams  
ALTS  
888 17th Street, N.W., Suite 900  
Washington, DC 20006

The Honorable Richard A. Bilas  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

The Honorable Henry M. Duque  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

The Honorable Josiah Neeper  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

The Honorable Joel Z. Hyatt  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

The Honorable Carl W. Wood  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Helen M. Mickiewicz  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

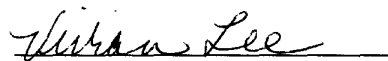
Ron Conners  
North American Numbering Plan  
Administrator  
1200 K Street, N.W.  
Washington, DC 20005

Alan Hasselwander, Chairman  
North American Numbering Council  
(via e-mail)

Melissa Newman  
US West  
1020 19th Street, NW, Suite 700  
Washington, DC 20036

Frank Simone  
AT&T  
1120 20th Street, N.W., Suite 1000  
Washington, DC 20036

\*HAND DELIVERED

  
Vivian Lee